

**AUCTIONEER BOARD MEETING
MINUTES
FEBRUARY 1, 2005**

PRESENT: Jay Clarke, Alan Hager, Patrick McNamara, Mark Shain, Marie Skic, Timothy Sweeney, and Carl Theorin (via telephone)

STAFF PRESENT: Jerry Lowrie, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Pat Schenck, Program Assistant; and Division of Enforcement Staff.

GUESTS: Barbara Hager

CALL TO ORDER

Marie Skic, Vice Chair, called the meeting to order at 9:17a.m. A quorum of seven members was present.

AGENDA

Amendments to Agenda:

- Add Jack Temby, Division of Enforcement, under closed session.
- January 14, 2004 letter added to Item 9. b. regarding regulation of internet website under ch. 480, stats.

MOTION: Mark Shain moved, seconded by Jay Clarke, to adopt the agenda as published. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2005

MOTION: Jay Clarke moved, seconded by Patrick McNamara, to nominate Mark Shain as Chair of the Auctioneer Board. Motion carried unanimously.

MOTION: Jay Clarke moved, seconded by Mark Shain, to nominate Marie Skic as Vice Chair of the Auctioneer Board. Motion carried unanimously.

MOTION: Patrick McNamara moved, seconded by Jay Clarke, to nominate Carl Theorin as Secretary of the Auctioneer Board. Motion carried unanimously.

**APPOINT BOARD'S REPRESENTATIVE'S FOR SCREENING PANEL BY
BOARD CHAIR**

The Chair appointed Timothy Sweeney, Mark Shain, and Patrick McNamara as screening panel members.

APPROVAL OF MINUTES OCTOBER 26, 2004

MOTION: Jay Clarke moved, seconded by Mark Shain, to approve the minutes of October 26, 2004 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT
JERRY LOWRIE, BUREAU DIRECTOR**

Board Roster

The Board questioned Alan Hager's expiration date of 5/1/2005. Mr. Hager appointment began at the same time Jay Clarke was appointed to the Auctioneer Board. Jay Clarke's expiration date is 5/1/06.

2005 Meeting Dates

The next Board meeting is April 19, 2005.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases

Noted.

To do List

Noted.

Department's Budget Discussion – Deputy Secretary Sandra Rowe

No discussion took place.

Travel and Hotel Policy Discussion

Mr. Lowrie discussed the Department's hotel reservation and travel policies. If the Department makes a hotel reservation for a Board member, the Board member is responsible for canceling the hotel reservation if they will not be using this reservation.

The Department will fund one Board members travel expenses per fiscal year for each Board and individual Section.

LEGISLATION AND ADMINISTRATIVE RULES

RL 128 – Rule Changes

The rule changes will be made and submitted to the Secretary's office for approval.

480.08(6) Requiring Auction Company Representatives to take Continuing Education

The Department is in the process of drafting statute changes to 480.08(6) requiring auction company representatives to take continuing education.

EDUCATION AND EXAMINATIONS

No discussion.

PRACTICE

Discussions and Recommendations Relating to the Regulation of Banks that Act as Auction Clerks

The Board discussed looking into amending the statutes to require the person acting as a clerk or cashier at an auction be employed by the registered auctioneer or the registered auction company.

The Board discussed at length banks hiring people to cashier and collect money at auctions and other persons working as auction clerks on a part-time basis. Auction clerks have been known to give out names and addresses of people who have made purchases at an auction. Buyers have been contacted by individuals at their homes after an auction. Currently the Board does not have any jurisdiction over Banks acting as auction clerks or independent contractors.

MOTION: Patrick Mc Namara moved, seconded by Alan Hager, to look into amending the statutes requiring a person who acts as a clerk or cashier at any auction which requires a registered auctioneer must be directly employed by the registered auctioneer or the registered auction company which has contracted the auction. Motion carried unanimously.

Discussions and Recommendations Relating to the Regulation of On-line Auctions

The Board reviewed and discussed William Dusso opinion regarding whether operations of an Internet website by a corporation, eBay Inc. are within the scope of the regulation of auctioneers and auction companies under ch. 480, Stats.

The Board suggested contacting other state Boards and the National Auctioneer Association to inquire how they handle storefronts and auctions on the internet websites.

The Board will discuss this further at their next Board meeting scheduled for April 19, 2005.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Mr. Lowrie contacted the State of Indiana regarding reciprocal agreements with the State of Wisconsin.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT MAY BE SUBMITTED AFTER MAILING OF AGENDA

None.

NEW BUSINESS

None.

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: Mark Shain moved, seconded by Alan Hager, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on stipulations, administrative warnings, case closings, and monitoring cases. Motion carried by a roll call vote: Timothy Sweeney - yes; Marie Skic - yes; Jay Clarke - yes; and Carl Theorin - yes; and Patrick McNamara - yes; Alan Hager - yes; and Mark Shain - yes. Motion carried unanimously.

Open Session recessed at 10:45 a.m.

The Board deliberated on the Monitoring Report, the Case Status Report and Case Closings, Proposed Stipulations, and Proposed Administrative Warnings.

RECONVENE TO OPEN SESSION

MOTION: Patrick McNamara moved, seconded by Mark Shain, to reconvene into Open Session at 10:58 a.m.. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MONITORING ISSUES

None

**CASE CLOSINGS
03 AUC 026**

MOTION: Mark Shain moved, seconded by Patrick McNamara, to close case **03 AUC 026** for insufficient evidence. Jay Clarke, Case Advisor. Motion carried unanimously.

**ADMINISTRATIVE WARNINGS
STIPULATION**

None.

UNLICENSED PRACTICE AND CASE STATUS REPORT

Mr. Temby reported on high priority cases.

ADJOURNMENT

MOTION: Patrick McNamara moved, seconded by Alan Hager, to adjourn the meeting at 11:00 a.m. Motion carried unanimously.

Next Meeting April 19, 2005

Suggested Agenda Items:

- Discussions and Recommendations Relating to the Regulation of On-line Auctions